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Letter dated 7 May 2010 from the Permanent Representative of the Plurinational State of Bolivia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the conclusions adopted at the first Peoples' World Conference on Climate Change and the Rights of Mother Earth, held from 20 to 22 April 2010 in Cochabamba and convened by President Evo Morales Ayma of the Plurinational State of Bolivia (see annexes I and II).

I should be grateful if you would have this letter and its annexes circulated as a document of the General Assembly, under agenda item 53 (d).

(*Signed*) Pablo **Solón**
Ambassador
Permanent Representative

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Annex I to the letter dated 7 May 2010 from the Permanent Representative of the Plurinational State of Bolivia to the United Nations addressed to the Secretary-General

Peoples' World Conference on Climate Change and the Rights of Mother Earth

22 April 2010, Cochabamba, Bolivia

Peoples' Agreement

Today, our Mother Earth is wounded and the future of humanity is in danger. If global warming increases by more than 2 degrees Celsius, which would happen under the so-called Copenhagen Accord, there is a 50 per cent probability that the damage caused to our Mother Earth will be totally irreversible. Between 20 per cent and 30 per cent of species would be in danger of disappearing. Large expanses of forest would be affected; droughts and floods would strike different regions of the planet; deserts would expand; and the melting of the polar ice caps and the glaciers in the Andes and Himalayas would worsen. Many island States would disappear, and Africa would suffer an increase in temperature of more than 3 degrees Celsius. World food production would fall, with catastrophic effects on the survival of the inhabitants of vast regions of the planet, and the number of hungry people in the world, already more than 1.02 billion, would increase dramatically. The corporations and Governments of the so-called "most developed" countries, abetted by certain members of the scientific community, frame the discussion of climate change as a problem of nothing more than rising temperatures, without questioning its cause, which is the capitalist system.

We are witnessing the death throes of the patriarchal model of civilization, founded on the subjugation and destruction of human beings and nature, that spread rapidly with the industrial revolution.

The capitalist system has forced upon us a logic of competition, progress and unlimited growth. This system of production and consumption strives for limitless profits, conceiving of mankind as separate from and dominant over nature and turning everything into a saleable good: water, land, the human genome, ancestral cultures, biodiversity, justice, ethics, peoples' rights, death and life itself.

Capitalists see Mother Earth as nothing more than a source of raw materials and human beings as only a means of production and as consumers, whose worth depends on what they have and not what they are.

In order to accumulate and control territories and natural resources, capitalism needs a powerful military industry to beat down the resistance of peoples. It is an imperialist system of worldwide colonization.

Mankind faces a momentous decision: to continue down the path of capitalism, depredation and death, or to take the path of harmony with nature and respect for life.

We must fashion a new system to restore harmony with nature and among human beings. There can be no balance with nature without equity among human beings.

We propose to the peoples of the world the recovery, appreciation and strengthening of the ancestral knowledge, wisdom and practices of indigenous peoples, encapsulated in the experience and proposal of "living well", in which Mother Earth is recognized as a living thing with which we have an indivisible, interdependent, complementary and spiritual relationship.

To address climate change, we must recognize Mother Earth as the source of life and fashion a new system based on the principles of:

- Harmony and balance between everybody and with everything
- Complementarity, solidarity and fairness
- Collective well-being and satisfaction of everybody's basic needs, in harmony with Mother Earth
- Respect for the rights of Mother Earth and for human rights
- Recognition of human beings for what they are and not what they have
- Elimination of all forms of colonialism, imperialism and interventionism
- Peace between peoples and with Mother Earth.

The model we advocate is not one of destructive or unlimited development. Countries must produce goods and services to satisfy the basic needs of their people, but by no means can they continue down this path of development in which the richest countries have an ecological footprint that is five times larger than the planet can bear. The planet's regenerative capacity has already been exceeded by more than 30 per cent. If our Mother Earth continues to be overexploited at this pace, two planets will be necessary by 2030.

In an interdependent system in which human beings are just one component, it is impossible to recognize only the rights of the human element without causing an imbalance in the entire system. In order to guarantee human rights and restore harmony with nature, the rights of Mother Earth must be acknowledged and upheld effectively.

To that end, we propose the attached draft universal declaration of the rights of Mother Earth, which sets forth the following rights:

- The right to life and to existence
- The right to be respected
- The right to regenerate biocapacity and continue vital cycles and processes free from human interference
- The right to maintain identity and integrity as distinct, self-regulating and interrelated beings
- The right to water as a source of life
- The right to clean air
- The right to comprehensive health
- The right to be free from contamination, pollution and toxic or radioactive waste

- The right not to be genetically modified or structurally altered in a way that threatens integrity or vital and healthy functioning

- The right to the full and prompt restoration of rights set forth in this declaration that have been violated by human activities.

The common goal is to stabilize concentrations of greenhouse gases in fulfilment of article 2 of the United Nations Framework Convention on Climate Change, which sets as an objective the "stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system". Our idea, based on the principle of common but differentiated historical responsibilities, is to demand that the developed countries commit to specific emissions reduction targets that will return atmospheric greenhouse gas concentrations to 300 parts per million, thus limiting the increase in the average global temperature to a maximum of 1 degree Celsius.

In view of the need for urgent action to achieve that goal, and with the support of peoples, movements and countries, the developed countries must commit to ambitious emissions reduction targets that will result in the achievement of short-term objectives, thus maintaining our vision of bringing the Earth's climate system into balance, in line with the Convention's ultimate objective.

In climate change negotiations, the "shared vision" for "long-term cooperative action" must not be reduced to setting the level at which increases in atmospheric temperature and greenhouse gas concentrations should be capped; it must include the adoption of a comprehensive and balanced set of measures in the areas of finance, technology, adaptation, capacity-building and production and consumption patterns, as well as other essential measures such as recognition of the rights of Mother Earth, with a view to restoring harmony with nature.

The developed countries, the main agents of climate change, should assume their historical and current responsibility by acknowledging and honouring their climate debt in all its dimensions, as the basis for a just, effective and scientific solution to climate change. Within that framework, we demand that the developed countries:

- Restore to developing countries the atmospheric space that is occupied by their greenhouse gas emissions. This means decolonizing the atmosphere through the reduction and absorption of their emissions.

- Assume the costs and technology transfer needs of developing countries arising from the loss of development opportunities as a result of living in a restricted atmospheric space.

- Assume responsibility for the hundreds of millions of people who will be forced to migrate due to the climate change those countries have caused, and eliminate their restrictive immigration policies, offering migrants a decent life with full rights in their countries.

- Assume the adaptation debt incurred through the impacts of climate change on developing countries by providing the means to prevent, minimize and deal with damage arising from their excessive emissions.

- Honour these debts as part of a broader debt to Mother Earth by adopting and implementing a United Nations universal declaration of the rights of Mother Earth.

The focus should be not only on financial compensation, but mainly on restorative justice, understood as actions to make whole the people and other members of the living community on Earth.

We deplore attempts by a group of countries to annul the Kyoto Protocol, which is the sole legally binding instrument specifically related to the reduction of greenhouse gas emissions by developed countries.

The world should take heed that, despite their legal obligation to reduce their emissions, developed countries increased them by 11.2 per cent between 1990 and 2007.

Over that same period, owing to unbridled consumption, the United States of America increased its greenhouse gas emissions by 16.8 per cent, reaching an annual average of between 20 and 23 tons of carbon dioxide per person. This is over nine times the average per capita emissions in the Third World and 20 times the average per capita emissions in sub-Saharan Africa.

We categorically reject the illegitimate Copenhagen Accord, which allows developed countries to offer insufficient greenhouse gas reductions based on voluntary individual commitments, violating the environmental integrity of Mother Earth and leading to an increase in global temperatures of about 4 degrees Celsius.

At the next climate change conference, to be held in Mexico in late 2010, an amendment to the Kyoto Protocol should be adopted for the second commitment period (2013-2017) under which developed countries would commit to significant domestic emissions reductions of at least 50 per cent below 1990 levels, excluding carbon markets or other offset mechanisms that mask the failure to achieve actual reductions in greenhouse gas emissions.

We call, first, for the establishment of a target for developed countries as a group, followed by the assignment of individual targets to each developed country in the framework of a comparison of efforts between them, thus maintaining the Kyoto emissions reduction system.

The United States, as the only annex I country that has not ratified the Kyoto Protocol, has a significant responsibility to all peoples of the world to ratify the Protocol and commit itself to respecting and complying with emissions reduction targets on a scale appropriate to the total size of its economy.

We the peoples have the same rights to be protected from the effects of climate change and reject the notion of adaptation to climate change, understood as tolerance of the impacts caused by the historical emissions of developed countries, which themselves must adapt their modes of life and consumption in the face of this global emergency. We are forced to contend with the effects of climate change, and consider adaptation to be a process rather than an imposition, as well as a tool for countering those effects, thus demonstrating that it is possible to achieve harmony under a different model for living.

It is necessary to set up an adaptation fund for the exclusive purpose of addressing climate change as part of a financial mechanism managed and run by our

States in a sovereign, transparent and equitable manner. Under this fund the impacts and costs of climate change in developing countries and the needs deriving from these impacts should be assessed, and support from developed countries should be recorded and monitored. The fund should also include a mechanism to compensate for damage caused by current and future impacts, loss of opportunities and reparation due to extreme and gradual climate events, as well as additional costs that could arise if our planet's ecological thresholds are exceeded, together with those impacts that impinge on the right to live well.

The Copenhagen Accord, imposed on developing countries by a few States, not only offers insufficient resources; it also attempts to create divisions between peoples, pitting them against each other, and to subject developing countries to extortion by making access to adaptation resources contingent on mitigation actions. Also unacceptable are the attempts made in international negotiations to classify developing countries by their vulnerability to climate change, generating disputes, inequalities and segregation among them.

Humanity's immense challenge of stopping global warming and cooling the planet can only be achieved through a profound shift in agriculture towards a sustainable model of indigenous/aboriginal small-scale production, as well as other ancestral ecological models and practices that contribute to solving the problem of climate change and ensure food sovereignty. Food sovereignty is understood to be the right of peoples to control their own seeds, lands, water and food production, thereby guaranteeing, through production that is in harmony with Mother Earth and is locally and culturally appropriate, access to sufficient, varied and nutritious foods, ensuring complementarity with Mother Earth and deepening the autonomous (participatory, communal and shared) production of every nation and people.

Climate change is already having profound impacts on the agriculture and ways of life of the world's indigenous/aboriginal farming peoples, and these impacts will worsen in the future.

Agribusiness, through its social, economic and cultural model of globalized capitalist production and its logic of producing food for the market rather than ensuring the right to food, is one of the principal causes of climate change. Its technological, commercial and political tools serve only to deepen the climate change crisis and increase hunger in the world. For this reason, we reject free trade agreements and partnership agreements and any application of intellectual property rights to life, current technology packages (agrochemical and transgenic) and those that offer false solutions (such as biofuels, geo-engineering, nanotechnology and terminator technology), which will only exacerbate the current crisis.

We similarly denounce the way in which the capitalist model imposes infrastructure mega-projects, invades territories with extractive projects, privatizes and commercializes water and militarizes territories, expelling indigenous peoples and smallholders from their lands, undermining food sovereignty and deepening the socio-environmental crisis.

We demand recognition of the right of all peoples, living things and Mother Earth to have access to water, and we support the proposal of the Government of Bolivia to recognize water as a fundamental human right.

The definition of "forest" used in the negotiations on the United Nations Framework Convention on Climate Change, which includes plantations, is

unacceptable. Single-crop plantations are not forests. Therefore, we demand a definition for the purposes of negotiation that recognizes native forests and jungles and the diversity of the Earth's ecosystems.

The United Nations Declaration on the Rights of Indigenous Peoples must be fully recognized, implemented and included in climate change negotiations. The best strategy and action for avoiding deforestation and degradation and protecting native forests and jungles is to recognize and guarantee collective land and territorial rights, especially considering that most forests and jungles are located within the territories of indigenous peoples and nations and traditional smallholder communities.

We condemn market mechanisms such as the REDD (reducing emissions from deforestation and forest degradation in developing countries) Programme in its successive versions, which is violating the sovereignty of peoples and their right to free, prior and informed consent, as well as the sovereignty of national States, the rights, practices and customs of peoples and the rights of nature.

Polluting countries have an obligation to carry out direct transfers of economic and technological resources to pay for the restoration and maintenance of forests and jungles, for the benefit of indigenous and aboriginal farming peoples and ancestral organic structures. These transfers should represent direct compensation over and above the sources of funding pledged by developed countries, excluding the carbon market, and should never be used as carbon offsets. We demand that countries stop local initiatives in forests and jungles that are based on market mechanisms and offer non-existent and conditional results. We demand that Governments put in place a global programme to restore native forests and jungles, managed and administered by the peoples, using seeds from native forests and fruit trees and other native flora. Governments should eliminate forest concessions and support keeping petroleum deposits in the ground, and should urgently stop oil and gas exploitation in jungles.

We call upon States to recognize, respect and guarantee the effective implementation of international human rights standards and the rights of indigenous peoples, including the United Nations Declaration on the Rights of Indigenous Peoples and International Labour Organization Convention No. 169, among other relevant instruments, in negotiations, policies and measures aimed at meeting the challenges posed by climate change. In particular, we call upon States to legally recognize pre-existing rights to our territories, lands and natural resources so as to preserve and strengthen our traditional ways of life and contribute effectively to climate change solutions.

We demand the full and effective implementation of the right to consultation, participation and free, prior and informed consent of indigenous peoples in all negotiation processes and in the design and implementation of measures related to climate change.

Environmental degradation and climate change are currently reaching critical levels, with internal and international migration as one of the main consequences. According to some projections, there were about 25 million climate migrants in 1995. The current figure is estimated at about 50 million, and projections for 2050 foresee the displacement of between 200 million and 1 billion people as a result of climate change. Developed countries should assume responsibility for climate

migrants, welcoming them into their territories and recognizing their fundamental rights through the signing of international agreements that include a definition of "climate migrant" so that all States will abide by their provisions.

An international tribunal of conscience should be established to denounce, highlight, document, prosecute and punish violations of the rights of migrants, refugees and displaced persons in countries of origin, transit and destination, clearly identifying the responsibilities of States, companies and other agents.

Currently, climate change mitigation funding for developing countries and the Copenhagen Accord funding proposal are insignificant. In addition to official development assistance and funds from public sources, developed countries should commit to additional annual funding of at least 6 per cent of their gross domestic product (GDP) to tackle climate change in developing countries. This is feasible, considering that they spend a similar amount on national defence, and spent five times that amount to rescue failing banks and speculators. This raises serious questions about global priorities and political will. Such funding should be direct and free of conditions, and should not interfere with national sovereignty or the self-determination of the worst-affected communities and groups.

In view of the inefficiency of the current mechanism, a new funding mechanism should be established at the forthcoming Mexico conference, functioning under the authority of the Conference of the Parties to the United Nations Framework Convention on Climate Change and held accountable to it, with meaningful representation of developing countries to ensure compliance with the funding commitments of annex I countries.

It has been found that the developed countries increased their emissions in the period 1990-2007, despite the claim that reductions would be substantially supported by market mechanisms.

The carbon market has become a lucrative business that commodifies our Mother Earth. This is not an alternative for tackling climate change, as it loots and ravages the land, water and even life itself.

The recent financial crisis has demonstrated that the market is incapable of regulating the financial system, which is fragile and vulnerable due to speculation and the emergence of intermediaries. Therefore, it would be totally irresponsible to entrust it with the care and protection of human existence itself and of our Mother Earth.

The fact that the negotiations under way are aimed at creating new mechanisms that extend and promote the carbon market is unacceptable, as existing mechanisms have never resolved the problem of climate change or led to real and direct action to reduce greenhouse gases.

It is essential to demand that the developed countries comply with their commitments under the United Nations Framework Convention on Climate Change regarding the development and transfer of technology, and to reject the "technology window" proposed by developed countries that only market technology. It is essential to devise a blueprint for a multilateral, multidisciplinary mechanism for the participatory control, management and continuous evaluation of technology exchange. These technologies must be effective, clean and socially appropriate. Likewise, it is necessary to establish a funding mechanism and inventory of

appropriate technologies that are not subject to intellectual property rights, especially patents; such technologies should be taken out of the hands of private monopolies and put in the public domain so that they are accessible freely and at low cost.

Knowledge is universal and should on no account be regarded as private property for exclusive use by the owner, nor should its applications in the form of technology. Developed countries have a responsibility to share technology with developing countries, to establish research centres for the creation of their own technologies and innovations, and to protect and promote the development and application of such technologies for the purpose of "living well". The world must recover, learn and relearn the principles and approaches of the ancestral heritage of aboriginal peoples to stop the destruction of the planet, as well as ancestral knowledge and practices concerning spirituality, in order to reintroduce the concept of "living well" in harmony with Mother Earth.

Considering the developed countries' lack of political will to comply effectively with their commitments and obligations under the United Nations Framework Convention on Climate Change and the Kyoto Protocol, and given the lack of an international legal authority to guard against and punish all climate and environmental crimes that violate the rights of Mother Earth and humanity, we demand the creation of an international climate and environmental justice tribunal with binding jurisdiction to act against, prosecute and punish States, enterprises and individuals that by commission or omission pollute the environment and cause climate change.

States that bring cases before the International Court of Justice against developed countries that fail to comply with their obligations under the United Nations Framework Convention on Climate Change and the Kyoto Protocol, including commitments to reduce greenhouse gases, should be supported.

We urge peoples to propose and promote far-reaching reform of the United Nations, so that all Member States comply with the decisions of the international climate and environmental justice tribunal.

The future of humanity is in danger, and we cannot allow a group of developed-country leaders to take decisions for all countries, as they tried unsuccessfully to do at the Conference of the Parties in Copenhagen. This decision is within the competence of all peoples. Therefore, a global referendum, plebiscite or popular consultation on climate change should be held in which we are all consulted on the required level of emissions reductions by developed countries and transnational corporations, the financing to be provided by developed countries, the creation of an international climate justice tribunal, the need for a universal declaration of the rights of Mother Earth and the need to change the current capitalist system.

The global referendum, plebiscite or popular consultation will be based on a preparatory process aimed at ensuring its success.

In order to coordinate our international efforts and implement the results of this Agreement, we call for the building of a movement of the world's peoples for Mother Earth, based on the principles of complementarity and respect for the diversity of origin and visions of its members and serving as a broad and democratic space for the coordination and linkage of worldwide actions.

To that end, we adopt the attached global plan of action so that, at the Mexico conference, the developed countries listed in annex I will respect the existing legal framework and reduce their greenhouse gas emissions by 50 per cent, and so that the different proposals contained in this Agreement will be adopted.

Finally, we agree to hold a second Peoples' World Conference on Climate Change and the Rights of Mother Earth in 2011 as part of this process of building a movement of the world's peoples for Mother Earth and to respond to the outcomes of the climate change conference to be held late this year in Cancún, Mexico.

Annex II to the letter dated 7 May 2010 from the Permanent Representative of the Plurinational State of Bolivia to the United Nations addressed to the Secretary-General

Draft universal declaration of the rights of Mother Earth

24 April 2010

Preamble

We, the peoples of the Earth:

Considering that we are all part of Mother Earth, an indivisible, living community of interrelated and interdependent beings with a common destiny;

Gratefully acknowledging that Mother Earth is the source of life, nourishment and learning and provides everything we need to live well;

Recognizing that the capitalist system and all forms of depredation, exploitation, abuse and contamination have caused Mother Earth great destruction, degradation and harm, putting life as we know it today at risk through such phenomena as climate change;

Convinced that in an interdependent living community it is not possible to recognize only the rights of human beings without causing an imbalance in Mother Earth;

Affirming that to guarantee human rights it is necessary to recognize and defend the rights of Mother Earth and of all the beings of which she is composed and that there are cultures, practices and laws that do so;

Aware of the urgency of taking decisive, collective action to transform the structures and systems that cause climate change and other threats to Mother Earth;

Proclaim this universal declaration of the rights of Mother Earth, and call on the United Nations General Assembly to adopt it as a common objective for all peoples and nations of the world, so that both individuals and institutions will take responsibility for promoting, through teaching, education and awareness-raising, respect for the rights set forth in this declaration, and ensure, through prompt and progressive national and international measures and mechanisms, their universal and effective recognition and observance among all peoples and States of the world.

Article 1
Mother Earth

1. Mother Earth is a living thing;
2. Mother Earth is a unique, indivisible, self-regulating community of interrelated beings that sustains, contains and reproduces all the beings of which she is composed;
3. Each being is defined by its relationships as an integral part of Mother Earth;
4. The inherent rights of Mother Earth are inalienable in that they derive from the same source of existence;

5. Mother Earth and all the beings of which she is composed are entitled to all the inherent rights set forth in this declaration without distinction of any kind, such as organic or inorganic nature, species, origin, use for human beings or any other status;

6. Just as human beings have human rights, all other beings of Mother Earth also have rights which are specific to their situation and suited to their role and function within the communities in which they exist;

7. The rights of each being are limited by the rights of other beings, and any conflict between these rights must be resolved in a way that maintains the integrity, balance and health of Mother Earth.

Article 2
Inherent rights of Mother Earth

1. Mother Earth and all the beings of which she is composed have the following inherent rights:

    1. The right to life and to existence;

    2. The right to be respected;

    3. The right to regenerate biocapacity and to continue vital cycles and processes free from human interference;

    4. The right to maintain identity and integrity as distinct, self-regulating and interrelated beings;

    5. The right to water as a source of life;

    6. The right to clean air;

    7. The right to comprehensive health;

    8. The right to be free from contamination, pollution and toxic or radioactive waste;

    9. The right not to be genetically modified or structurally altered in a way that threatens integrity or vital and healthy functioning;

    10. The right to the full and prompt restoration of rights set forth in this declaration that have been violated by human activities.

2. Each being has the right to occupy a place and play a role in Mother Earth to ensure her harmonious functioning.

3. All beings have the right to enjoy well-being and to live free from torture or cruel treatment by human beings.

Article 3
Obligations of human beings to Mother Earth

All human beings have a responsibility to respect and to live in harmony with Mother Earth.

1. Human beings, all States and all public and private institutions shall:

1. Act in accordance with the rights and obligations set forth in this declaration;

2. Recognize and promote the full observance and implementation of the rights and obligations set forth in this declaration;

3. Promote and participate in learning, analysis, interpretation and communication about how to live in harmony with Mother Earth in accordance with this declaration;

4. Ensure that the pursuit of human well-being contributes to the well-being of Mother Earth, now and in the future;

5. Effectively establish and implement rules and laws for the defence, protection and conservation of the rights of Mother Earth;

6. Respect, protect, conserve and, where necessary, restore the integrity of the vital cycles, processes and balances of Mother Earth;

7. Guarantee that the damage caused by human violations of the inherent rights set forth in this declaration are rectified and that those responsible are held accountable for restoring the integrity and health of Mother Earth;

8. Empower human beings and institutions to defend the rights of Mother Earth and of all the beings of which she is composed;

9. Establish precautionary and restrictive measures to prevent human activities from causing the extinction of species, the destruction of ecosystems or the alteration of ecological cycles;

10. Guarantee peace and eliminate nuclear, chemical and biological weapons;

11. Promote and support practices of respect for Mother Earth and for all the beings of which she is composed, in accordance with their own cultures, traditions and customs;

12. Promote economic systems that are in harmony with Mother Earth and consistent with the rights set forth in this declaration.

Article 4
Definitions

1. The term "being" includes ecosystems, natural communities, species and all other natural entities that exist as part of Mother Earth.

Nothing in this declaration shall restrict the recognition of other inherent rights of all beings or of any being in particular.